

CITY COUNCIL MINUTES

March 24, 2014

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, March 24, 2014 at 6:00 p.m. with Mayor Powers presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 5:15 p.m.

ROLL CALL:

Council Members Present: Kevin Hanley, J. M. "Mike" Holmes, William W. Kirby, Keith Nesbitt, Bridget Powers

Council Members Absent: None

Staff Members Present: Interim City Manager Rich Ramirez, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Senior Planner Reg Murray, Transit Analyst Megan Siren, Police Chief John Ruffcorn and Police Lieutenant Victor Pecoraro.

CLOSED SESSION

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Nesbitt/ Holmes/ Unanimously approved by voice

1. Conference with Labor Negotiators (G.C. 54957.6)
Agency Designated Representatives: Rich Ramirez, Patrick Clark
Employee Group: All Bargaining Units
2. Conference with Legal Counsel (G.C. 54956.9(c))
Initiation of Litigation: One potential case

REPORT OUT OF CLOSED SESSION

Mayor Powers reported that two Council Members would like to meet with Placer County soon to discuss the new Costco.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

The Agenda was approved by consensus of the Council.

CONSENT CALENDAR

1. **Minutes**

By **MOTION**, approve the City Council minutes of 2/24/2014.

2. **Prop 1B Transit Security Grant Program – Emergency Generator for Corporation Yard**

By **RESOLUTION 14-20**, authorize the City Manager and/or Director of Public Works to submit and execute on behalf of the City of Auburn a grant application for the California Transit Security Grant Program.

3. **Signing Authority for the Interim City Manager**

By **RESOLUTION 14-21**, grant bank-card signing authority to Richard J. Ramirez, Interim City Manager.

4. **Letter of Support for Placer County's Probation Department – Application for Smart Probation Grant**

By **MOTION**, approve the letter of support for Placer County Probation Department's application for a Smart Probation Grant.

5. **Donation of Art to the City of Auburn**

Removed from the consent calendar.

6. **Annual General Plan Implementation Work Plan Review – 2013 Calendar Year**

By **MOTION**, adopt the 2013 General Plan Implementation Work Plan and direct staff to submit the Plan to the State Office of Planning and Research and the State Department of Housing and Community Development.

7. **Annual Housing Element Progress Report – Calendar Year 2013 Review**

Removed from the consent calendar.

***** **End of Consent Calendar** *****

By **MOTION**, approve the consent calendar excluding item 5 and 7.
The motion was made by Council Member Hanley and seconded by Council Member Nesbitt, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers
Noes:
Abstain:
Absent:

7a. **Donation of Art to the City of Auburn**

Council Member Holmes discussed opportunities to display this art by circulating them in a loan type program within the community.

The council members agreed they should be available to the community.

By **MOTION**, accept the donation of 20 framed colored prints from Loreley Hodkin.
The motion was made by Council Member Holmes and seconded by Council Member Hanley, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers
Noes:
Abstain:
Absent:

7b. **Annual Housing Element Progress Report – Calendar Year 2013 Review**

Council Member Holmes asked about the waiting list for the Home Occupied Rehabilitation Program.

Senior Planner Reg Murray explained the application process for the program.

By **MOTION**, adopt the 2013 Housing Element Progress Report and direct staff to submit the report to the State Office of Planning and Development (OPS) and the State Department of Housing and Community Development (HCD). The motion was made by Council Member Holmes and seconded by Council Member Hanley, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers
Noes:
Abstain:
Absent:

8. **Public Comment**

Council Member Holmes commended the Union Pacific Foundation for their involvement in a number of different organizations in the Auburn area.

Council Member Nesbitt congratulated Cheryl Maki on their 30th anniversary of their business, Maki Heating and Air Conditioning.

Richard Anderson, as President of the Auburn Airport Business Park Association addressed the increasing crime at the airport, homeless population, and lack of response by law enforcement. His written statement was entered into the record.

COUNCIL BUSINESS

9. Letter of Opposition to SB 983

Interim City Manager Richard Ramirez presented this item. He reviewed recent revisions to the draft letter.

City Attorney Michael Colantuono spoke about the “warehouse rule” and the Board of Equalization.

Richard Ramirez read the revised letter in the entirety.

Tom Dwelle, Flyers Energy business owner in Auburn, said he supports the revised letter.

Council Member comments followed regarding: (1) signatures on letter, (2) recipients of letter, and (3) the policy committee meeting.

Council Member Hanley requested specific revisions to the letter. He also asked to add a couple people to the list of recipients.

Mayor Powers asked about a possible hiring freeze until this financial situation is determined.

Richard Ramirez said the magnitude of the situation if this bill were to pass, would be a “game changer” for the entire operation.

Council Member comments followed regarding verbiage on the letter.

By **MOTION**, direct staff to send a letter of opposition related to SB 983 with Council Member Hanley’s revisions, copy the two members on the legislative committee and designate attendees to the Ontario, CA League of CA Cities Tax and Revenue Committee Meeting on April 3, 2014 to speak against the passage or League support of SB 983. The motion was made by Council Member Nesbitt and seconded by Council Member Kirby, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:
Absent:

10. **Critical Incident Notification Protocol**

Police Chief John Ruffcorn presented this item. He said this document acts as a guide to Directors and the future City Manager on who needs to be notified if a significant event takes place. He said the document is dynamic in nature and should be revisited each year.

Council Member Holmes asked about contact methods, airplane crash notifications, city revenue structural issue notifications and politically sensitive situations.

Council Member Kirby clarified media releases and the FAA definition of aircraft "crashes".

Council Member Hanley spoke about discretion of the City Manager on notifications.

By **MOTION**, approve the proposed Critical Incident Notification Protocol with the revision of bullet point # 3 to read: "Airplane Crash following FAA guidelines for reporting". The motion was made by Council Member Holmes and seconded by Council Member Nesbitt, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers
Noes:
Abstain:
Absent:

11. **SB 731 Letter of Support**

Police Chief John Ruffcorn presented this item. He said the expiration of this massage industry bill will bring control back to the local level.

Council Member Hanley asked about the allegations against local massage therapists and enforcement. He asked about the League of California's meeting next week in Ontario.

Chief Ruffcorn spoke about the difficulties in enforcement when certification is at the state level.

Council Member Holmes spoke about the League Policy Committee meeting he attended where this was discussed. He asked about our local ordinance that could take jurisdiction over the massage industry.

City Attorney Michael Colantuono said the city has a massage ordinance and it could be enforced immediately if this bill were to sunset. He said it is only enforced at this time to people without a state agency issued license (non-profit agency).

Chief Ruffcorn said this bill will not sunset until 2015, so there will be ample time to review the current ordinance and make any changes as needed prior to the sunset date.

Lisa Worthington, resident of Auburn, spoke of past Planning Commission action regarding "home visits" in the ordinance.

Council member discussion followed regarding in home massage addressed in the ordinance.

Council Member Hanley suggested a balanced letter emphasizing significant changes needed to the law while not putting regulatory burdens on honest professionals in the massage industry.

By **MOTION**, direct the Police Chief to draft a letter of support to the League of CA Cities in regards to the sunset/ significant changes needed to SB 731 and direct Council Member Holmes to deliver the letter on April 4 when he is in Ontario. The motion was made by Council Member Holmes and seconded by Council Member Nesbitt, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

*****City Council recessed for 5 minutes, returning at 7:39 p.m.*****

12. **Historic Design Review Commission's Recommendations**

Matt Spokely and Roger Luebke of the HDRC presented this item. He said the original intent was to discuss and better understand their powers and duties. He said through this process they determined that they had completed many of the powers and duties entrusted in them. He reviewed powers and duties that they created subcommittees on to further review (presentation available in permanent record).

Lisa Worthington, Chair of the HDRC, said looking forward they would like to focus on creating more connectivity with other historic or art focused committees.

Council Member questions followed regarding (1) benefits of registries, (2) historical designation and recognition, (3) Mills Act, (4) Certified Local

Government, (5) inventory of buildings of historical significance, (6) applications received for inclusion on the historic survey, and (7) automatic local listings from national register.

Council Member comments followed regarding (1) the commission's great work and report, (2) homeowner certificate of appreciation, (3) improved website, and (4) better defined duties and responsibilities.

A. By **MOTION**, accept the Historic Design Review Commission's recommendations for information to be displayed on the City's website, which includes an information flyer. Community Development staff will coordinate with Administrative Services staff to complete this project.

B. By **MOTION**, accept the Historic Design Review Commission's recommendations and direct staff to finalize the recognition process to commend those who have restored renovated and/or maintained their property in an exemplary manner.

C. By **MOTION**, accept the Historic Design Review Commission's recommendations and direct staff to finalize the process for recognition signage for those properties designated in the Auburn Register of Historic Sites. The motions were made by Council Member Nesbitt and seconded by Council Member Holmes, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

REPORTS

12. City Council Committee Reports

Council Member Hanley reported on the Greater Auburn Area Fire Safe Council Town Hall Meetings to be held in June.

Council Member Kirby reported on Cal LAFCO and the Auburn Cemetery District. He discussed many other issues brought up at the recent meeting.

Mayor Powers asked for the City Manager to arrange a meeting with the County to go over the final details of the regional sewer pipeline.

Mayor Powers also addressed Mr. Anderson's public comment tonight and spoke about an upcoming meeting at the airport. She referred the issue to staff.

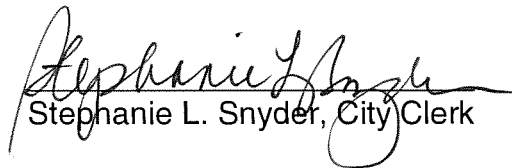
Council Member Nesbitt said he would like the Chief of Police to check feasibility of having an officer stationed at the airport.

Council Member Hanley spoke about follow up on items directed to staff.

ADJOURNMENT

Mayor Powers adjourned the meeting at 8:40 p.m. in appreciation of the Historical Design Review Commission.


Bridget Powers, Mayor


Stephanie L. Snyder, City Clerk